

## BACKGROUND

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EPA and other Superfund stakeholders have worked since the inception of the program to reduce risks posed by abandoned and uncontrolled hazardous waste sites. Much has changed in the Superfund program since 1980. Not only did the Superfund Amendments and Reauthorization Act (SARA) of 1986 produce significant legislative changes, but EPA also instituted a substantial number of administrative changes.

The EPA began promoting administrative changes to improve the program in 1989 by publishing A Management Review of the Superfund Program, also known as the "90-Day Study." This study was deemed to be a "frank and open report on the state of the Superfund program." The report is a compilation of observations, facts, and opinions of the Agency's staff and other critics and supporters of Superfund. In this report, EPA focused on concerns such as enforcement, expediting cleanup response, and encouraging community participation. It provided a long-term strategy for the future program. This strategy includes the "enforcement first" and "worst sites first" mandates that remain in place today.

In June of 1991, EPA convened a 30-day Task Force. The Task Force's mission was to respond to two key questions: 1) what are EPA's options for accelerating the rate of cleanups at Superfund sites; and 2) does the Superfund program use realistic assumptions when evaluating and managing risks at sites. The Task Force released the Superfund 30-Day Study Task Force Implementation Plan: Accelerating Cleanups and Evaluating Risk at Superfund Sites, also known as the "30-Day Study," on October 1, 1991. It announced several initiatives, including changes to the Alternative Remedial Contracts Strategy (ARCS) contracts, specific construction completion goals, and the Superfund Accelerated Cleanup Model (SACM), among other initiatives.

The "30-Day Study" recommendations were diverse and far-ranging in terms of scope, subject matter, and implementability. In this report, the Task Force established six categories of options: 1) setting aggressive cleanup targets; 2) streamlining the Superfund process; 3) elevating site specific issues that cause delay; 4) accelerating private party cleanups; 5) refocusing the debate on Superfund progress; and 6) reviewing risk assessment/risk management policies.

Both the "90-Day Study" and the "30-Day Study" provided a framework for the first set of Superfund administrative improvements (Round 1: "Superfund Administrative Improvements"), which were announced by EPA Administrator Carol Browner on June 23, 1993. The Superfund Administrative Improvements Final Report contained 17 initiatives with specific goals and milestones to improve the Superfund program. The report established nine new initiatives that were designed to: 1) increase enforcement fairness and reduce transaction costs; 2) improve cleanup effectiveness and consistency; 3) expand meaningful public involvement; and 4) enhance the State role in the Superfund program. In addition, EPA adopted eight continuing initiatives from the 90- and 30-day studies that were designed to improve the overall efficiency, effectiveness, and fairness of the Superfund program.

The Superfund Administrative Improvements Closeout Report, released in February 1995, provides background information on the development of the administrative improvements and each of the 17 initiatives, and also reports on the progress made between June 23, 1993, and September 30, 1994. The Closeout Report describes the initiatives and also summarizes the achievements or performance of the milestones, the benefits of each initiative, and the lessons that EPA learned through implementing the initiatives.

Since the September 30, 1994 closeout of the "Superfund Administrative Improvements" (1st round), EPA has continued its efforts to improve the program by initiating a series of ongoing Superfund Reforms. EPA announced the 2nd Round of "Superfund Administrative Reforms" in

February 1995. This 2nd round was intended to strengthen and improve the program through 12 initiatives encompassing six major areas, while awaiting action on a new law. These six general areas are: enforcement, economic redevelopment, community involvement and outreach, environmental justice, consistent program implementation, and State and Tribal empowerment.

The National Implementation Strategy for the Superfund Administrative Reforms, released in February 1995, serves as a companion document for the 2nd round initiatives. This implementation strategy designated Agency leads and milestones for each of the initiatives. The closeout of the 2nd round of "Superfund Reforms" is documented in the Superfund Reforms Semiannual Report FY 1995. It summarizes the objectives, status and next steps for each of the twelve initiatives during the period of February 13, 1995, through December 31, 1995.

In October 1995, EPA Administrator Carol Browner announced the third and final round of "Superfund Reforms." This 3rd round of "common sense" reforms was intended to assist state and local governments, communities, and industries involved in cleanups to more easily: 1) make cost-effective cleanup choices that protect public health and the environment; 2) reduce litigation so more time can be spent on cleanup and less on lawyers; and 3) help communities become more informed and involved so that cleanup decisions make the most sense at the community level.

On December 6, 1995, an implementation plan for the 3rd round of "Superfund Reforms," was released. The Superfund Reforms Implementation Plan briefly summarizes each of the reforms, target completion dates, and program office contacts. This latest effort combines the goals and lessons learned from all prior initiatives. Some of the new reforms aim to control costs while protecting human health by assuring more consistency, streamlining processes to save time and money, creating new choices for cost-effective cleanup options, and encouraging economic redevelopment. The reforms proposed and implemented to date by the Agency are within the statutory authority of CERCLA and the National Contingency Plan.

In December 1996, EPA published the Superfund Administrative Reforms Annual Report for Fiscal Year 1996. The annual report detailed the basic, permanent changes in the Superfund program, and major accomplishments since the inception of the administrative reforms. The report also provides a detailed discussion of the current status of the Round 2 and 3 reforms, and EPA's next steps for each.

Also in December 1996, the Superfund Settlements Project (SSA), a group of several large corporations which provides a forum for industry leaders to speak directly with EPA officials about the Superfund Program, issued a report praising the Administrative Reforms effort. SSA stated that [the Superfund Administrative Reforms] "track record is substantial, especially in light of the severe obstacles that EPA encountered during fiscal year 1996 as it began implementation of these reforms."

In an April 1997 report, the Chemical Manufacturers Association (CMA), a non-profit trade association whose membership accounts for over 90 percent of chemical production in the U.S., stated that, "At sites where the reforms have been fully applied so far, EPA's reforms have produced benefits that otherwise would not have occurred." The CMA report also advocated expansion of the reforms, saying, "EPA should ensure that reforms are aggressively applied to *more* Superfund sites and implemented consistently across *all* Regions to produce even *greater* benefits."

In January 1998, EPA published the Superfund Administrative Reforms Annual Report for Fiscal Year 1997. The report details the major accomplishments of the Round 2 and 3 reforms, discusses the status and next steps for the Round 3 reforms, evaluates the implementation of the Round 2 reforms, and describes the lessons learned in implementing the reforms.